

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIE TERION WASHINGTON,

Petitioner,

-VS-

LORIE DAVIS,
Director, Texas Department of
Criminal Justice, Institutional Division,

Respondent.

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NO. H-07-CV-0721

PETITIONER’S UNOPPOSED MOTION
FOR SUBSTITUTION OF COUNSEL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

The petitioner, Willie Terion Washington, through counsel, respectfully asks the Court to grant his request for the substitution of present co-counsel David Lane by the Office of the Federal Public Defender for the Northern District of Texas (“FDO”). In support of this request, he sets forth the following:

On May 11, 2007, the Court appointed undersigned counsel, James C. Lohman and David A. Lane to represent Mr. Washington in this case. Docket Entry #16. Attorney Lohman is a member of the Florida Bar and the Southern District of Texas and resides in Austin, Texas; Attorney Lane is a member of the Colorado Bar, resides in Denver, Colorado, and is admitted to this case *pro hac vice*.

Per remand order from the Fifth Circuit, this Court will be conducting evidentiary hearings on Mr. Washington's claims of ineffective assistance of trial and state habeas counsel. At this juncture, as Mr. Washington prepares to present his case, substitution will serve several purposes thanks to the availability at this time of a new agency established specifically for providing capital federal habeas representation. The U.S. Court of Appeals for the Fifth Circuit, with the full support of each U.S. District Court in the State of Texas, recently authorized the creation of Capital Habeas Units ("CHU's") in both the Northern and Western District Federal Defender Offices ("FDO") in Texas. The CHU's are authorized to work on federal capital habeas cases in all districts in the State of Texas.

Undersigned counsel seek this Court's permission for Mr. Lane's withdrawal, and request that the FDO for the Northern District be appointed as co-counsel to replace him, to assist Attorney Lohman in investigating, developing, and litigating all of the substantial issues in his case. Counsel has conferred with the FDO, which now has a staffed and operational Capital Habeas Unit, created to assist inmates such as Petitioner. The FDO is willing and able to assist as co-counsel in Petitioner's cause. Because the FDO is independently funded, it will not seek funding or reimbursement for FDO attorney time or other personnel time, and it can fund any case-related expenses, obviating the need for Mr. Washington to seek funding from the court. In addition, the location of substitute counsel within Texas will be advantageous for

conducting the substantial investigation and hearing preparation that will be required.

Since his appointment in 2007, Mr. Lohman has served as lead counsel for Mr. Washington and he will continue to do so. The replacement of co-counsel, in and of itself, will not create any delays. Mr. Washington has been informed of the requested substitution.

FOR THESE REASONS, Mr. Washington respectfully requests that the Court remove David A. Lane as appointed counsel in this matter, and appoint the Federal Defender Office for the Northern District of Texas, as co-counsel to Attorney Lohman for Mr. Washington.

Respectfully submitted,

s/ David A. Lane

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COUNSEL FOR MR. WASHINGTON

CERTIFICATE OF CONFERENCE

On May 14, 2018, undersigned counsel were informed via email that the Respondent State of Texas does not oppose this motion.

s/ Jamie Akard

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Unopposed Motion for Substitution of Counsel was served by U.S. mail to Ellen Stewart-Klein, Office of the Attorney General, P.O. Box 12548, Capitol Station, Austin, Texas 78711, this 23rd day of May, 2018.

s/ Jamie Akard